

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GLORIA HERNANDEZ,

Plaintiff,

vs.

F & F PROPERTIES, LLC, and XHEVDET
GASHI,

Defendants.

8:16CV523

ORDER

On April 14, 2017, F&F Properties, LLC (“F&F”) filed a “Third-Party Complaint” against Defendant Xhevdet Gashi. ([Filing No. 27.](#)) On April 18, 2017, this Court struck the Third-Party Complaint because (1) a Third-Party Complaint can only be filed against a *nonparty* to the suit under [Fed. R. Civ. P. 14](#), (2) F&F has not filed an answer and (3) F&F did not seek leave to file the Third-Party Complaint. ([Filing No. 30.](#))

F&F has now filed a motion seeking leave to file a third-party complaint. ([Filing Nos. 32, 33.](#)) F&F again seeks to file a third-party complaint against Xhevdet Gashi. However, as F&F was previously informed, Xhevdet Gashi is already a named defendant in this suit and, therefore, a third-party complaint is improper under [Fed. R. Civ. P. 14](#). In addition, F&F has still not filed an answer.

IT IS THEREFORE ORDERED that F&F’s Motion and Amended Motion for Leave to File Third-Party Complaint ([Filing Nos. 32, 33](#)) are denied.

Dated this 20th day of April, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge